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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,979	05/08/2001	Ravi Ganesan	3350-42B	1858

20457 7590 04/19/2004

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EXAMINER

BROWN, TIMOTHY M

ART UNIT	PAPER NUMBER
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1648

DATE MAILED: 04/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,979

Applicant(s)

GANESAN ET AL.

Examiner

Tim Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 18.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This Final Office Action is responsive to Applicant's amendment received January 29, 2004.

The rejection of claim 81 under 35 U.S.C. § 112, second paragraph is withdrawn.

Drawings

Applicants' amendment has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Response to Arguments

Rejection of Claims 58, 63, 65-69 and 74-79 under 102(e)

Applicant argues Van Dusen does not teach an electronic greeting card. In particular, Applicant notes Van Dusen discloses an e-mail message rather than a greeting card. However, in defining his greeting card, Applicant states "[an] e-mail may be the entire e-card." (See orig. specification, p. 65, line 13). Van Dusen's "e-mail-based gift certificate" (col. 6, lines 8-9) therefore teaches Applicant's electronic greeting card. Furthermore, by noting Van Dusen teaches "an e-mail message sent to a recipient that communicates the giving of a gift certificate" Applicant admits Van Dusen teaches their greeting card.¹

¹ Hereinafter, the terms "electronic greeting card" and "e-mail" may be used interchangeably.

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Applicant also argues Van Dusen does not teach a monetary gift. The Examiner respectfully disagrees. According to claim 58 for example, Applicant's invention simply receives a request to make a monetary gift and directs "a crediting of funds equal to the monetary gift." Similarly, Van Dusen teaches placing an order for an electronic gift certificate (col. 3, line 39), and crediting a new account with the give certificate amount (col. 5, lines 4-5). The term "monetary" is broadly defined as "relating to money or to the mechanisms by which it is supplied" (Merriam-Webster's Collegiate Dictionary, Tenth Ed. (1999) p. 750). Van Dusen's gift certificate is related to a mechanism by which money is supplied in that it is an electronic medium having a cash value that serves the same function as currency. Furthermore, Van Dusen expressly states its account database "stores monetary account balances" (col. 5, lines 63-64). Accordingly, Van Dusen teaches Applicant's "monetary" gift.

Applicant also argues Van Dusen fails to teach crediting a deposit account. However, Van Dusen provides that a new account is set up and automatically credited whenever a user submits an "**account** setup form" (col. 5, lines 2-4). Van Dusen "automatically credits the [new] account with the gift certificate amount" as part of the gift certificate creation process (col. 5, lines 5-6). Crediting the new account with the amount of the gift certificate is the same as making a **deposit** to the new **account**. Furthermore, Van Dusen expressly states that "that the gift certificate amount [is] **deposited** into the recipient's **account**" (col. 4, lines 36-37). Accordingly, Van Dusen teaches crediting a deposit account as claimed by Applicant.

Regarding the rejection of claims 63 and 74, Applicant argues the Examiner failed to make a prima facie case of anticipation. As best understood by the Examiner, Applicant is arguing that Van Dusen fails to teach all the limitations of claims 63 and 74. Claims 63 and 74 are directed to forwarding the notice of the monetary gift to a non-designated recipient and asking if the non-designated recipient would like to establish an account with the redeeming vendor. Claims 63 and 74 further provide that if the non-designated recipient has an account with the redeeming vendor, the non-designated recipient may credit his account by activating the hyperlink. The Examiner respectfully submits Van Dorn teaches the limitations of claims 63 and 74. First, Van Dorn teaches forwarding the notice of the monetary gift to a non-designated recipient through its disclosure of a gift notification having multiple hyperlinks. When a gift notification is sent to a user having more than one gift account that is associated with the redeeming vendor, the gift notification is transmitted with multiple hyperlinks. Each of these hyperlinks is associated with a unique gift account (see col. 6, line 61-col. 5, line 4). Because Van Dorn teaches transmitting a single gift notification for the crediting of multiple accounts that were not designated in the original gift notification, Van Dorn teaches forwarding the notice of the monetary gift to a non-designated recipient. Second, Van Dusen teaches crediting the account of the non-designated recipient. As noted above, Van Dorn provides that a single gift notification may contain hyperlinks associated with non-designated gift accounts. Van Dorn provides that any of the non-designated accounts may be credited by activating an associated hyperlink. Thus, Van Dusen teaches crediting the account of the non-designated recipient. Because Van

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Dusen teaches forwarding the notice of the monetary gift to a non-designated recipient, and crediting the account of the non-designated recipient, Van Dusen anticipates claims 63 and 74.

Applicant argues Van Dusen does not teach receiving a request to send an electronic greeting card from an electronic greeting card service as required by claims 66 and 77. The Examiner submits this limitation is inherent to Van Dusen's method. According to Van Dusen, an e-mail communicating a monetary gift is transmitted from a gift certificate application to a designated recipient (col. 5, lines 29-31; and col. 6, lines 35-36). Transmitting an email from the gift certificate application necessarily involves submitting a command to an associated Internet service provider (ISP). Thus, Van Dusen's gift certificate application requests that the ISP transmit the e-mail to a designated email account. Accordingly, Van Dusen teaches receiving a request to send an electronic greeting card from an electronic greeting card service.

With respect to claims 67 and 78, Applicant argues that Van Dusen fails to teach a first entity that fulfills an electronic greeting card request, and a second entity that is an electronic payment service. With respect to the first entity, Van Dusen teaches issuing an electronic greeting card in response to the user submitting a greeting card request form (col. 5, lines 1-10). Thus, Van Dusen teaches an entity that fulfills a greeting card request. Van Dusen teaches the second entity through inherency. As claimed, the second entity is payment service provider that directs the crediting of funds to a deposit account. According to Van Dusen, a user pays for the monetary gift by providing his credit card information. The user's credit information may then be

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approved whereupon the recipient's account is credited with the gift amount (col. 4, lines 36-37; col. 6, lines 10-11). By necessity, the processing of an online credit card payment involves an electronically-enabled financial institution. Accordingly, a second entity that is an electronic payment service is inherent to Van Dusen's teachings.

Rejection of Claims 58, 65, 67-69, 75, 76, 79 and 80 under 103(a) under Van

Dusen in view of Lenhart

Applicant argues the combination of Van Dusen and Lenhart fails to teach an electronic greeting card, a monetary gift or a deposit account. However, the Examiner submits Van Dusen teaches these limitations as noted above.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In the previous Office Action, the Examiner asserted one of ordinary skill in the art would be motivated to modify Van Dusen with Lenhart's greeting card because Van Dusen discloses providing an electronic gift certificate in connection with a recipient's birthday. Applicant asserts such disclosure in no way motivates the cited combination.

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The Examiner respectfully disagrees. The knowledge generally available to one of ordinary skill in the art recognizes that gift cards are often given as birthday gifts. For example, gift cards have long been used as a means for delivering a gift of money on a recipient's birthday. Thus, by disclosing making a monetary gift in connection with a recipient's birthday, Van Dusen provides one of ordinary skill in the art with the requisite motivation to include the long-standing practice of delivering a gift card with the monetary gift.

With respect to claims 67 and 78, Applicant charges the Examiner has provided no reasonable basis for the rejection. In rejecting these claims, the Examiner stated that assuming Van Dusen does not teach "wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service, and the crediting of funds is directed by a payment service provider, Lenhart overcomes this deficiency by teaching receiving a request to process an electronic greeting card as noted under claim 58 above." Thus, by stating "Lenhart overcomes this deficiency by teaching receiving a request to process an electronic greeting card," the Examiner asserted that Lenhart teaches "wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service." The intent of the reference to claim 58 was to incorporate the motivation for combining Van Dusen and Lenhart as discussed under that claim. Van Dusen teaches "the crediting of funds is directed by a payment service provider" as noted under claims 67 and 78.

**Rejection of Claims 59-62, 64 and 70-73 103(a) under Van Dusen in view of
Albrecht and Claims 59-62, 64 and 70-73 over Van Dusen in view of Lenhart and
Albrecht**

Applicant argues the combination of Van Dusen and Albrecht does not make claims 59 and 70 obvious because Albrecht does not disclose the transmission of an electronic greeting card or a deposit account. However, the Examiner points out these limitations are at taught by Van Dusen and Lenhart as discussed in the rejection of independent claim 58 (Paper No. 17. p. 14). The Examiner also notes Albrecht is offered for its teaching of crediting an account at a time prior to transmitting an electronic greeting card. The Examiner further notes that changing the sequence of steps in a method is prima facie obvious in the absence of some unexpected result. *In re Lindberg* 39 CCPA 866, 1952 C.D. 182, 663 O.G. 589, 194 F.2d 732, 93 USPQ 23 . In the present case, Applicant has simply modified Van Dusen to credit a recipient's account before transmitting the greeting card rather than after transmitting the greeting card. This does not produce any unexpected result since the method still directs funds to a deposit account in connection with an electronic gift card. Therefore, modifying Van Dusen with the teachings of Albrecht is prima facia obvious.

Regarding claims 60 and 71, Applicant argues Albrecht does not teach a deposit account at a financial institution. The Examiner respectfully disagrees. Albrecht provides that funds are taken from a donor's account, and used "to create a limited-value, non-renewable secondary account" (Abstract, lines 5-6). Furthermore, the non-

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renewable secondary account is associated with a financial institution because it is issued by a bank (see Fig. 5A). Accordingly, Albrecht teaches a deposit account at a financial institution.

Applicant also argues crediting the recipient's account after activation of a hyperlink is neither taught by the art, nor addressed in the Office Action. The Examiner notes that all features that are not taught by a single reference are expressly stated as missing from the single reference. Thus, negative implication dictates that any features not addressed are taught by the primary reference. Though not expressly stated, Van Dusen was therefore offered for its teaching of crediting a recipient's account after the activation of a hyperlink. Van Dusen teaches this limitation in Fig. 2. which depicts the e-mail that the gift recipient receives. This figure features a "click here" hyperlink 30 that allows the recipient to "automatically **deposit** the \$40 gift certificate amount into [his] personal **account**." Accordingly, Van Dusen teaches crediting the recipient's account after activation of a hyperlink.

Regarding claims 64 and 75, Applicant argues Van Dusen does not teach debiting the account of the donor subsequent to activation of the hyper-link. However, changing the sequence of steps in a method is prima facie obvious in the absence of some unexpected result. *In re Lindberg* 39 CCPA 866, 1952 C.D. 182, 663 O.G. 589, 194 F.2d 732, 93 USPQ 23. In the present case, Applicant has simply modified Van Dusen to debit the donor's account subsequent to the activation of the hyper-link by the recipient. This does not produce any unexpected result since the donor's account is still

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debited for the amount of the gift. Accordingly, claims 64 and 75 are prima facie obvious over Van Dusen in view of Lenhart and Albrecht.

Alternative Obviousness Rejection of Claims 66, 77 and 78 under Van Dusen, in view of Lenhart and Official Notice

Applicant's arguments with respect to the rejection of claims 66, 77 and 78 under 103(a) are persuasive. Accordingly, this rejection is withdrawn.

Rejection of Claim 81 over Van Dusen in View of Lenhart and Official Notice

Applicant state the Examiner admits the cited combination does not teach "directing a debiting of funds equal to the monetary gift amount from a deposit account at a financial institution associated with the requesting donor to a deposit account at a financial institution associated with the service provider." However, a reading of the Office action demonstrates the language "a deposit account at a financial institution associated with a [sic] service provider" was *emphasized* in stating Van Dusen and Lenhart fail to teach Applicant's debiting feature. Thus, the only limitation that the Examiner stated was missing from the Van Dusen/Lenhart combination was directing a crediting of funds equal to the monetary gift to a deposit account of the financial institution. In support of the Official Notice taken as to this limitation, the Examiner provides (1) a Credit Card News publication ("Person-To-anywhere Payments are Here With Citibank's C2it" Credit Card News (November 15, 2000)), and (2) a Bank Technology News publication ("You've Got Money!" Bank Technology News (June

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2000) Vol. 13, No. 6, p. 1). These references disclose crediting a merchant's account with an amount debited from a donor's account, and sending the credited amount to a recipient's account.

Claim Objections

Claims 63 and 74 are objected to for depending from a rejected claim. These claims would be allowable if placed in independent form.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 58, 63, 65-69, and 74-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Dusen (US 6,175,823).

Regarding claims 58 and 63, Van Dusen teaches a method for making a monetary gift, comprising:

receiving, via a network, a request to send an electronic greeting card and to make an associated monetary gift in an amount, on behalf of a requesting donor to a designated recipient;

processing the received request to generate the electronic greeting card including a notification of the monetary gift;

transmitting, via the network, the generated electronic greeting card to the designated recipient; and

directing a crediting of funds equal to the monetary gift amount to a deposit account (see Abstract; col. 2, lines 58-64; col. 3, lines 37-67; col. 4, lines 33-54; and col. 5, lines 1-10).

Regarding claim 65, Van Dusen teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to the directing of the crediting of the funds to the deposit account associated with the designated recipient; and if it determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 6, lines 56-60).

Regarding claim 66, Van Dusen teaches wherein the request is received from an electronic greeting card service (Fig. 2; and col. 3, lines 37-63).

Regarding claim 67, Van Dusen teaches wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service (Fig. 2; and col. 3, lines 37-63); and the crediting of funds is directed by a payment service provider (col. 3, lines 55-63).

Regarding claim 68, Van Dusen teaches transmitting, via the network, the generated electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the designated recipient (col. 3, lines 37-63).

Claims 69 and 75-79 are rejected under Van Dusen as discussed under claims 58, 59 and 65-68 as claims and 75-79 are directed to a system for accomplishing the method of claims 58, 59 and 65-68.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

In the alternative, claims 58, 65, 67-69, and 75, 76, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)).

Regarding claim 58, Van Dusen teaches a method for making a monetary gift, comprising:

receiving via a network, a request to make a monetary gift in an amount on behalf of a donor, to a recipient (col. 3, lines 38-63);

processing a notification of the monetary gift (col. 2, lines 55-67); and

directing a crediting of funds equal to the monetary gift amount to a deposit account associated with the recipient (col. 2, lines 55-67; and col. 3, lines 6-14).

Assuming *arguendo* Van Dusen does not specifically teach the steps of receiving via a network, a request to send an electronic greeting card, processing the received request to generate the electronic greeting card and transmitting, via the network, the generated electronic greeting card to the designated recipient, Lenhart overcomes this deficiency. Lenhart teaches a Website operative to transmit an electronic greeting card wherein a sender fills out a personalized message (page 1, paragraphs 2 and 3; and page 3, paragraph 4). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because including the steps of receiving via a network, an input associated with an electronic greeting card, processing the donor's request and input to generate the electronic greeting card and transmitting, via the network, the electronic greeting card to the recipient would enable the donor to provide the recipient with a personalized greeting card along with the monetary gift.

Regarding claim 65, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to the directing of the crediting of the funds to the deposit account associated with the designated recipient; and if it determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 6, lines 56-60).

Regarding claim 67, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Assuming Van Dusen does not teach wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service, and the crediting of funds is directed by a payment service provider, Lenhart overcomes this deficiency by teaching receiving a request to process an electronic greeting card as noted under claim 58 above.

Regarding claim 68, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Assuming Van Dusen does not expressly teach transmitting, via the network, the generated electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the designated recipient, Lenhart overcomes this deficiency by teaching a Website operative to transmit an electronic greeting card wherein a sender fills out a personalized message (page 1, paragraphs 2 and 3; and page 3, paragraph 4). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because including the steps of receiving via a network, an input associated with an electronic greeting card, processing the donor's request and input to generate the electronic greeting card and transmitting, via the network, the electronic greeting card to the recipient would enable the donor to provide the recipient with a personalized greeting card along with the monetary gift.

Claims 69 and 74-76, 79 and 80 are rejected under Van Dusen in view of Lenhart as discussed under claims 58, 59 and 65-68 as claims 69 and 75, 76, 79 and 80 are directed to a system for accomplishing the method of claims 58, 59 and 65-68.

Claims 59-62, 64 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Albrecht (US Pat. No. 5,984,180).

Regarding claims 59 and 70, Van Dusen teaches all the limitations discussed under claims 58 and 69. Van Dusen does not expressly teach transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. However, Albrecht teaches a method and system for providing a gift card wherein a gift card balance is established by a donor prior to providing the gift card to the recipient. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include Albrecht's teaching of transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. This combination would ensure that the funds for the associated monetary gift are available prior to delivering an indication of the monetary gift to the recipient.

Regarding claim 60, Van Dusen and Lenhart teach all the limitations discussed under the 35 U.S.C. 102(e) rejection of claim 58. Van Dusen does not expressly teach a method of making a monetary gift wherein the deposit account is at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution. At

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the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Regarding claim 61, Van Dusen further teaches activating the hyperlink (col. 2, lines 55-67; and col. 3, lines 6-14); and receiving, via the activated hyperlink, information identifying the recipient (Id.); wherein the funds are directed to be credited to the deposit account subsequent to receipt of the information identifying the recipient; wherein the deposit account is associated with the designated recipient (Id.).

Regarding claim 62, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to directing of the crediting of the funds to the deposit account associated with the designated recipient (col. 3, lines 64-67; col. 4, lines 64-67; and col. 5, lines 1-10); and if it is determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 4, lines 64-67; and col. 5, lines 1-10).

Regarding claim 64, Van Dusen teaches all the limitations discussed under claim 58. Van Dusen further teaches debiting a payment account associated with the requesting donor (col. 3, lines 55-63); wherein the payment account associated with the requesting donor is debited at one of (1) a time prior to transmitting the electronic

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greeting card to the recipient, and (2) a time subsequent to an activation of a hyper-link included in the transmitted electronic greeting card (Id.).

Van Dusen does not expressly teach debiting a payment account at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Claims 71-73 are rejected under Van Dusen and Albrecht as discussed under claims 60-62 as claims 71-73 pertain to a system for accomplishing the method of claims 60-62.

Claims 59-62, 64 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and Albrecht (US Pat. No. 5,984,180).

Regarding claims 59 and 70, Van Dusen and Lenhart teach all the limitations discussed under claims 58 and 69. Van Dusen and Lenhart do not expressly teach transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the

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directing of funds to the deposit account. However, Albrecht teaches a method and system for providing a gift card wherein a gift card balance is established by a donor prior to providing the gift card to the recipient. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include Albrecht's teaching of transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. This combination would ensure that the funds for the associated monetary gift are available prior to delivering an indication of the monetary gift to the recipient.

Regarding claim 60, Van Dusen and Lenhart teach all the limitations discussed under the 35 U.S.C. 103(a) rejection of claim 58. Van Dusen further teaches a method for making a monetary gift wherein the notification includes a hyper-link (col. 2, lines 55-67; and col. 3, lines 6-14); and the funds are directed to be credited to the deposit account subsequent to an activation of the hyperlink (Id.). Assuming Van Dusen does not expressly teach an electronic greeting card that includes a hyperlink, Lenhart overcomes this deficiency as discussed under claim 58.

The combination of Van Dusen and Lenhart does not expressly teach a method of making a monetary gift wherein the deposit account is at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By

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including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Regarding claim 61, Van Dusen further teaches activating the hyperlink (col. 2, lines 55-67; and col. 3, lines 6-14); and receiving, via the activated hyperlink, information identifying the recipient (Id.); wherein the funds are directed to be credited to the deposit account subsequent to receipt of the information identifying the recipient; wherein the deposit account is associated with the designated recipient (Id.).

Regarding claim 62, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to directing of the crediting of the funds to the deposit account associated with the designated recipient (col. 3, lines 64-67; col. 4, lines 64-67; and col. 5, lines 1-10); and if it is determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 4, lines 64-67; and col. 5, lines 1-10).

Regarding claim 64, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Van Dusen further teaches debiting a payment account associated with the requesting donor (col. 3, lines 55-63); wherein the payment account associated with the requesting donor is debited at one of (1) a time prior to transmitting the electronic greeting card to the recipient, and (2) a time subsequent to an activation of a hyper-link included in the transmitted electronic greeting card (Id.).

The combination of Van Dusen and Lenhart does not expressly teach debiting a payment account at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Claims 71-73 are rejected under Van Dusen, Lenhart and Albrecht as discussed under claims 60-62 as claims 71-73 pertain to a system for accomplishing the method of claims 60-62.

Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and Official Notice.

Van Dusen and Lenhart teach all the limitations discussed under claim 58. Van Dusen further teaches wherein the request is received, the received request is processed, the generated electronic gift certificate is transmitted, and the crediting is directed by a service provider (col. 3, lines 37-63). Lenhart teaches transmitting an electronic gift card as noted under claim 58. Van Dusen further teaches directing a debiting of funds equal to the monetary gift amount from a deposit account at a financial

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institution associated with the requesting donor (col. 3, lines 55-63). Van Dusen and Lenhart do not expressly teach directing a debiting of funds equal to the monetary gift amount from a deposit account at a financial institution associated with the requesting donor *to a deposit account at a financial institution associated with a service provider*. However, the Examiner takes Official Notice that providing merchant banking services in connection with an online service is old and well known in the art. Therefore, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include directing a debiting of funds to a deposit account at a financial institution associated with a service provider in order to provide the greeting card service with a commercial banking account for the receipt of purchasing deposits. Indeed, Van Dusen suggests implementing this combination in that Lenhart discloses receiving credit card payments.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Brown
Examiner
Art Unit 1648

tmb



Jeffrey A. Smith
Primary Examiner